HONORABLE RICARDO S. MARTINEZ 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 MICROSOFT CORPORATION, a 10 No. CV7-936RSM Washington corporation, **DECLARATION OF BLAKE** 11 Plaintiff. MARKS-DIAS IN SUPPORT OF PLAINTIFF MICROSOFT'S REPLY 12 V. BRIEF IN SUPPORT OF MOTION 13 FOR PARTIAL SUMMARY IMMERSION CORPORATION, a JUDGMENT REGARDING **DEFENDANT IMMERSION'S** Delaware corporation, 14 AFFIRMATIVE DEFENSES Defendant. 15 Exhibits A & B Filed Under Seal 16 Noted For: July 25, 2008 ORAL ARGUMENT REQUESTED 17 18 Blake Marks-Dias declares as follows: 19 I am one of the attorneys for Plaintiff Microsoft Corporation in the 20 above-captioned action. I am over the age of 18, competent to testify, and make 21 this declaration based upon personal knowledge. 22 2. Attached as Exhibit A to this Declaration is a true and correct copy of 23 the deposition excerpts of Martin Smith's May 20, 2008 deposition, cited in 24 Microsoft's Reply Brief in Support of Motion for Partial Summary Judgment 25 Regarding Defendant Immersion's Affirmative Defenses. 26 DECL, OF BLAKE MARKS-DIAS IN SUPPORT OF MICROSOFT'S REPLY BRIEF IN SUPP. OF MT. FOR PARTIAL SUM. JUDGMENT Riddell Williams P.s. 1001 FOURTH AVENUE RE IMMERSION'S AFFIRM DEFENSES (No. CV7-936RSM) - 1 **SUITE 4500** 4820-1798-6562.01 SEATTLE, WA 98154-1192 20363.00411 206.624,3600

- 3. Attached as Exhibit B to this Declaration is a true and correct copy of the deposition excerpts of Barry Spector's April 15, 2008 deposition, cited in Microsoft's Reply Brief.
- 4. Attached as Exhibit C to this Declaration is a true and correct copy of Sony's Consolidated Financial Results.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED on July 25th, 2008, at Seattle, Washington.

Blake Marks-Dias

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CERTIFICATE OF SERVICE

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The undersigned certifies that on the 25th day of July, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Bradley S. Keller Jofrey M. McWilliam Byrnes & Keller LLP

1000 Second Avenue, 38th Floor

Seattle, WA 98104-4082

Phone: (206) 622-2000; Fax: (206) 622-2522

Email: bkeller@byrneskeller.com imcwilliam@byrneskeller.com

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and on

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14

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Richard M. Birnholz Alan J. Heinrich

Morgan Chu

David R. Kaplan

Irell & Manella LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067-4276 Phone: (310) 277-1010; Fax: (301) 203-7199 Email: rbirnholz@irell.com

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aheinrich@irell.com mchu@irell.com dkaplan@irell.com

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Executed at Seattle, Washington this 25th day of July, 2008.

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20363.00411

Donna Hammonds

Legal Secretary, Riddell Williams P.S. 1001 Fourth Avenue Plaza, Suite 4500

Seattle, WA 98154 Phone: (206) 624-3600 Fax: (206) 389-1708

email: dhammonds@riddellwilliams.com

DECL. OF BLAKE MARKS-DIAS IN SUPPORT OF MICROSOFT'S REPLY BRIEF IN SUPP. OF MT. FOR PARTIAL SUM. JUDGMENT RE IMMERSION'S AFFIRM DEFENSES (No. CV7-936RSM) - 3 4820-1798-6562.01

Riddell Williams P.S. 1001 FOURTH AVENUE **SUITE 4500** SEATTLE, WA 98154-1192 206.624.3600

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

٧.

IMMERSION CORPORATION, a Delaware corporation,

Defendant.

No. CV7-936RSM

EXHIBITS A & B TO
DECLARATION OF BLAKE
MARKS-DIAS IN SUPPORT OF
PLAINTIFF MICROSOFT'S REPLY
BRIEF IN SUPPORT OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT REGARDING
DEFENDANT IMMERSION'S
AFFIRMATIVE DEFENSES

FILED UNDER SEAL

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EXHIBITS A & B FILED UNDER SEAL (No. CV7-936RSM) - 1

4834-6856-0642.01 20363.00411 Riddell Williams P.S. 1001 FOURTH AVENUE SUITE 4500 SEATTLE, WA 98154-1192 206.624.3600